

**Remarks/Arguments**

The Office Action mailed November 28, 2006 has been reviewed and carefully considered. No new matter has been added. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

Claims 1-35 remain pending in this application.

Claims 117, 119, and 120 stand rejected under 35 U.S.C. §102(b) based on a public use or sale of the invention. The Examiner has requested additional information regarding these Claims.

It is respectfully asserted that Claims 117, 119, and 120 are not pending in the instant application. Accordingly, the issue is believed to be moot. Withdrawal of the rejection is respectfully requested.

Claims 1-15, 18-24, 26-28, 30-32, 34, and 35 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,038,573 to Parks (hereinafter "Parks"). Moreover, Claims 16, 17, 25, 29, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parks. The rejections are respectfully traversed.

It is respectfully asserted that Parks does not teach or suggest at least one-segment file comprising at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that include at least one command activated independent of the script, as essentially recited in each of independent Claims 1, 8, 10, 16-18, 26, and 32.

The above-specified claim limitations call for a single file, called a segment file, which includes both script portions and non-script portions. Initially, it is pointed out that

in the Office Action, the Examiner has failed to equate any element in Parks with the “segment file” recited in the above-specified claims. Accordingly, it is respectfully requested of the Examiner to point to an element of Parks that corresponds to the segment file recited in Claims 1, 8, 10, 16-18, 26, and 32, as an anticipation rejection as well as an obviousness rejection both require that all of the claim limitations be shown in the cited references, otherwise the rejection fails.

Thus, presuming such a segment file exists in Parks, which the Examiner has thus far failed to show, such a segment file must include both script portions and non-script portions, as per the claim limitations.

The Examiner has pointed to column 8, lines 41-51, column 10, lines 23-27, column 15, line 64 to column 16, line 1, and Figure 4 of Parks as disclosing the preceding limitations of independent Claims 1, 8, 10, 16-18, 26, and 32.

For example, column 8, lines 25-51 of Parks disclose:

FIGS. 2C and 2D show graphical user interfaces that may be displayed by an NSML viewer 206. In FIG. 2C, an example screen for use by news broadcast personnel for a broadcast news production is shown. The example screen 240 includes a template area 241, a machine code area 242, and a story area 243. The template area 241 is used to contain metadata the news story. The template of the story either may be embedded in the story area or may be displayed separately in the template area 241. The machine code area 242 contains codes to control machines during broadcast. Each code is stored in a machine code object that contains all the text for the machine code and a corresponding insertion point which is visible in the story area 243 for the script. The story area 243 contains the text of the news story. In a script for a news story, the

story area 243 contains the text that, for example, may be displayed on a teleprompter to be read by an anchor person. A reference mark 245 indicates the place within the story area where a machine instruction 246 should be executed. The reference mark 245 provides a link to the machine instruction 246. If a news story document is moved to another section of the news broadcast, or of the text associated with the reference mark is moved within the new story the corresponding machine instruction 246 would be moved with it. If the story was deleted from the broadcast, or if the text associated with the reference mark is deleted from the story, the corresponding machine instruction would be deleted.

The preceding cited portion of Parks, which was also relied upon by the Examiner in his remarks to the prior response filed for this application, describes, along with figures 2c and 2d, “graphical user interfaces that may be displayed by an NSML viewer 206”. Thus, it is initially pointed out that a graphical user interface is NOT a file. Accordingly, the corresponding further description of the graphical user interface in the cited section of Parks does not relate to a segment file, let alone a non-scripted portion of a segment file, said non-scripted portion including at least one command activated independent of the script as essentially recited in Claims 1, 8, 10, 16-18, 26, and 32.

Nonetheless, the Examiner has stated at page 10 of the Office Action, in response to the previous arguments, that “reference marks 245 link to a machine instruction 246 is a non-script portion vs to text script (8:35-44). Machine instruction 246 is independent of the text script read by the announcer. Machine instruction 246 is executed to control machines during broadcast, independent from the script, i.e., the script does not execute the machine instruction 246”.

However, neither a reference link 245 nor a machine instruction 246 correspond to a non-scripted portion of a segment file, said non-scripted portion including at least one command activated independent of the script as essentially recited in Claims 1, 8, 10, 16-18, 26, and 32. For example, the reference link 245 and the machine instruction 246 are shown and described as part of a graphical user interface displayed by a an NSML viewer, and NOT to a segment file. Again, a graphical user interface is NOT a file, let alone a segment file, let alone a segment file having a scripted portion and a non-scripted portion, and so forth.

Moreover, both the reference link 245 and the machine instruction 246 are activated DEPENDENT on the script, contrary to the non-scripted portion of the segment file recited in Claims 1, 8, 10, 16-18, 26, and 32.

For example, the machine code 246 is disclosed in Parks as being “stored in a machine code object that contains all the text for the machine code and a corresponding insertion point which is visible in the story area 243 for the script. The story area 243 contains the text of the news story. In a script for a news story, the story area 243 contains the text that, for example, may be displayed on a teleprompter to be read by an anchor person” (Parks, col. 8, lines 35-41).

Thus, the machine code includes an insertion point visible in the story area 243 of the script that includes the text that is displayed on a teleprompter to be read by a person. Accordingly, it is clear from the preceding that the machine code is DEPENDENT on the script, contrary to the above-specified limitations of Claims 1, 8, 10, 16-18, 26, and 32, in particular, the non-scripted portion of the segment file to which it is was against by the Examiner.

The reference mark 245 disclosed in Parks “indicates the place within the story area where a machine instruction 246 should be executed. The reference mark provides a link to the machine instruction 246” (Parks, col. 8, lines 41-44).

Thus, the reference mark 245 is also DEPENDENT on the script, since it indicates THE PLACE IN THE STORY AREA of the script where a machine instruction 245 should be executed, and the STORY AREA of the script INCLUDES THE TEXT THAT IS DISPLAYED ON A TELEPROMPTER.

Accordingly, neither of the machine code/instruction 245 or the reference mark 246 correspond to a non-scripted portion of a segment file, said non-scripted portion including at least one command activated independent of the script as essentially recited in Claims 1, 8, 10, 16-18, 26, and 32.

Moreover, column 10, lines 23-27 of Parks does not disclose the above-recited limitations of Claims 1, 8, 10, 16-18, 26, and 32, namely, a segment file comprising at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that include at least one command activated independent of the script.

For example, column 10, lines 23-27 of Parks disclose:

The MCSERROR attribute is optional. The MCSERROR attribute if present, indicates that the news story document is a story in a rundown that contains machine control instructions and at least one of the machine control instructions cannot be understood by a machine control subsystem.

However, the preceding portion of Parks further relates to the machine code/instruction which, as argued above, does not relate to the at least one non-scripted portion recited in Claims 1, 8, 10, 16-18, 26, and 32. In particular, the preceding portion of Parks relates to an error in a machine code/instruction, and not to a non-scripted portion of a segment file, said non-scripted portion including at least one command activated independent of the script as essentially recited in Claims 1, 8, 10, 16-18, 26, and 32.

Further, column 15, line 64 to column 16, line 1 of Parks does not disclose the above-recited limitations of Claims 1, 8, 10, 16-18, 26, and 32, namely, a segment file comprising at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that include at least one command activated independent of the script.

For example, column 15, line 64 to column 16, line 1 of Parks disclose:

Significantly, elements of the NSML include elements specific to a news story broadcast. Elements are included in NSML for defining a timing information a news story, and for defining machine control elements for controlling a machine control server to automate control functions.

However, the preceding portion of Parks relates to NSML and does not disclose or even remotely suggest how the preceding relates to a segment file, let alone to a non-scripted portion of a segment file, said non-scripted portion including at least one

command activated independent of the script as essentially recited in Claims 1, 8, 10, 16-18, 26, and 32.

Also, Figure 4 of Parks does not disclose the above-recited limitations of Claims 1, 8, 10, 16-18, 26, and 32, namely, a segment file comprising at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that include at least one command activated independent of the script.

Rather, "FIGS. 4A-4C are tables describing the grammar of the news story markup language of FIGS. 3A-3E" (Parks, col. 5, lines 10-11). That is, "[r]eferring to FIGS. 4a-4c, the NSML elements are defined according to grammar rules. Grammar rules define the ordering and nesting of the tags and elements" (Parks, col. 16, lines 49-51). Accordingly, each of FIGS. 4A-4C show a particular news story markup language (NSML) element on the left side of a two-column chart, and a corresponding grammar rule to be applied to the NSML element on the right side of the two-column chart. However, neither an element of NSML nor a grammatical rule applying thereto, without more, can be said to correspond to a non-scripted portion of a segment file, said non-scripted portion including at least one command activated independent of the script as essentially recited in Claims 1, 8, 10, 16-18, 26, and 32. The charts shown and described with respect to FIGS. 4A-4C do not show a segment file, or mention a scripted portion and/or non-scripted portion of a segment file, let alone the non-scripted portion including at least one command activated independent of the script as essentially recited in Claims 1, 8, 10, 16-18, 26, and 32.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Accordingly, Claims 1, 8, 10, 16-18, 26, and 32 are patentably and distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-7 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, include all the limitations of Claim 1. Claim 9 depends from Claim 8 and thus include all the limitations of Claim 8. Claims 11-15 depend from Claim 10 or a claim which itself is dependent from Claim 10 and, thus, include all the limitations of Claim 10. Claims 19-25 depend from Claim 18 or a claim which itself is dependent from Claim 18 and, thus, include all the limitations of Claim 18. Claims 27-31 depend from Claim 26 or a claim which itself is dependent from Claim 26 and, thus, include all the limitations of Claim 26. Claims 33-35 depend from Claim 32 and thus include all the limitations of Claim 32. Accordingly, Claims 2-7, 9, 11-15, 19-25, 27-31, and 33-35 are patentably distinct and non-obvious over the cited reference for at least the reasons set forth above with respect to Claims 1, 8, 10, 18, 26, and 32, respectively.

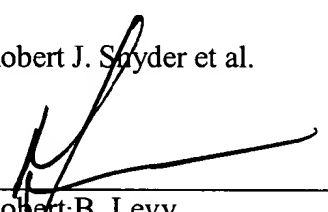


In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of November 28, 2006 be withdrawn, that pending Claims 1-35 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant' s representatives Deposit Account No.24498.

Respectfully submitted,

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